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Counsel for Defendant SIMON

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

17 The parties in this matter are presently scheduled to appear before this Court on
18 September 7, 2007 for a hearing on the motion to dismiss filed by Mr. Simon on August 10,
19 2007. The parties are presently engaged in settlement discussions that may preclude the need for
20 a response to and/or hearing on the motion. To allow those discussions to proceed, the parties
21 agree and stipulate that the briefing schedule and motions hearing should be postponed by one
22 week. Specifically, the parties agree and stipulate that the government's opposition to
23 defendant's motion shall be filed on or before August 31, 2007; that defendant's reply shall be
24 filed on or before September 7, 2007; and that the hearing presently scheduled for September 7,
25 2007 shall be continued to September 14, 2007.

26 The parties further agree and stipulate that the time between September 7, 2007 and

1 September 14, 2007 should be excluded under the Speedy Trial Act because Mr. Simon's motion
2 will be pending before the Court throughout this period. *See* 18 U.S.C. § 3161(h)(1)(F).

3 IT IS SO STIPULATED.

4 Dated: 8/20/07

/s/
BARRY J. PORTMAN
Federal Public Defender
JOSH COHEN
Assistant Federal Public Defender

7 Dated: 8/20/07

/s/
SCOTT N. SCHOOLS
United States Attorney
ALLISON DANNER
Assistant United States Attorney

11 ORDER

12 Accordingly, and for good cause shown, it is hereby ordered that the motions hearing
13 presently scheduled for September 7, 2007 shall be continued to September 14, 2007 at 11:00
14 a.m. The parties shall adhere to the revised briefing schedule set forth above. It is further
15 ordered that the time between September 7, 2007 and September 14, 2007 shall be excluded
16 under the Speedy Trial Act as delay resulting from the filing of the pretrial motion to dismiss that
17 is now pending before the Court. *See* 18 U.S.C. § 3161(h)(1)(F).

18 IT IS SO ORDERED.

19 Dated:

SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE